

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

CASE NO.: 8:18-bk-02719-RCT
CHAPTER 13

Kyran McAdam James

Debtor,
_____ /

**AMENDED MOTION TO DETERMINE
SECURED STATUS OF SANTANDER CONSUMER USA – CLAIM NO. 2**

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**IMPORTANT NOTICE OF OPPORTUNITY TO OBJECT AND
REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider The relief Requested in this paper without further notice of hearing unless a party in interest filed a response within 30 days from the date set for the on the attached proof of service, plus an additional three days for service if any party was served by US Mail.

If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at 801 North Florida Avenue, Suite 555, Tampa, Florida 33602-3899, and serve a copy on the movant's attorney, Robert M. Geller, Law Offices of Robert M. Geller, P.A. 807 West Azeele Street, Tampa, Florida 33606, and any other appropriate persons within the time permitted, the Court will either schedule and notify you of a hearing or consider the response and grant or deny the relief requested without hearing.

If you do not file response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

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COMES NOW Debtor, Kyran McAdam James, by and through his undersigned counsel, and respectfully files this Amended Motion to Determine Secured Status of Santander Consumer USA-Claim no. 2, and states:

1. That Debtor instituted this case by the filing of a Voluntary Petition under Chapter 13 of the Bankruptcy Code on April 5, 2018.
2. The Debtor owns certain personal property more particularly described as a 2008 Kia Optima, 4 cyl.; VIN # KNAME123285238392.

3. Santander Consumer USA maintains a security interest in the collateral.
4. As of the date of this motion, Debtor estimates Santander Consumer USA's total claim to be \$9,818.07 as filed in Claim No. 2. Further, Debtor estimates that the value of the Collateral is \$2,500.00 based on its age, condition, and mileage.
5. Accordingly, Santander Consumer USA's automobile loan bearing loan no. XXXX9487 is partially unsecured.
6. That this amended motion is made only to properly serve all interested parties.
7. The Debtor has brought this Motion pursuant to 11 U.S.C. §506 for the purpose of requesting this Court to determine that the value of the Collateral is \$2,500.00. Further, that as a consequence, Santander Consumer USA shall have an allowed secured claim in the amount of \$2,500.00, with the remaining balance of \$7,318.07 to be allowed as a general unsecured claim for purposes of distribution through the Debtor's Chapter 13 Plan.

WHEREFORE, Debtor respectfully requests that this Court enter an Order: (a) granting this Motion; (b) determining the value of the Collateral to be \$2,500.00; (c) allowing Santander Consumer USA a secured claim in the amount of \$2,500.00, with the remaining balance of \$7,318.07 to be allowed as a general unsecured claim for purposes of distribution through the Debtor's Chapter 13 Plan; and (d) granting such other and further relief as is just and proper.

I, Kyran McAdam James, named as Debtor in this case, declare under penalty of perjury that I have read the foregoing MOTION TO DETERMINE SECURED STATUS OF Santander Consumer USA and that it is true and correct to the best of my information and belief.

/s/ Kyron McAdam James
Kyran McAdam James

Date: July 13, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided to the following parties either by electronic mail.

Office of the U.S. Trustee
501 E. Polk Street
Tampa, FL 33602

Kelly Remick
Chapter 13 Trustee
P.O. Box 6099
Sun City Center, FL 33571

Lorraine Lowery-Johnson,
Bankruptcy Specialist,
Santander Consumer USA, Inc
P.O. Box 961245
Ft Worth, TX 76161-1245
BK_POCTeam@santanderconsumerusa.com

and by certified mail, return receipt requested, or by first class U.S. mail to:

Santander Consumer USA, Inc.
c/o CT Corporation System,
1200 S. Pine Island Road
Plantation, FL 33324

on July 13, 2018

/s/ Robert M. Geller
Robert M. Geller, Esq.
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